

## IN THE CLAIMS

Please amend claims 1 and 19, and please cancel claims 4-11, 13, 14, 26, 27, 37, 42, 43, 47-52, 58, 59, 63, 69, and 72.

This listing of claims will replace all prior version and listings of claims in the application.

### Listing of Claims

1. **(Currently amended)** A method for detecting a cancer cell in a subject, said method comprising determining the level of ~~nucleic acid that is linked to map position 8q22.3 of the human genome~~ or an expression product ~~thereof of a nucleic acid that is linked to map position 8q22.3 of the human genome~~ in a sample of said subject, wherein an elevated level of said ~~nucleic acid or said polypeptide expression product~~ is indicative of cancer in the subject.
2. **(Original)** The method according to claim 1 wherein the cancer cell is epithelial in origin.
3. **(Previously presented)** The method of claim 1 wherein the cancer cell is from a cancer selected from the group consisting of ovarian cancer, melanoma, metastatic melanoma, squamous cell carcinoma of the head and neck, squamous cell carcinoma of the tongue, hepatocellular carcinoma, breast cancer, a metastases of ovarian cancer, a metastases of melanoma, a metastases of metastatic melanoma, a metastases of squamous cell carcinoma of the head and neck, a metastases of squamous cell carcinoma of the tongue, a metastases of hepatocellular carcinoma and a metastases of breast cancer.
4. - 11 **(Canceled).**

12. **(Previously presented)** The method of claim 1 wherein the sample has been obtained previously from the subject.

13. – 18. **(Canceled).**

19. **(Currently amended)** A method for diagnosing a cancer or predicting recurrence of a cancer in a subject comprising determining the level of ~~mRNA or~~ protein encoded by nucleic acid linked to map position 8q22.3 of the human genome in a sample of said subject, wherein an elevated level of said ~~mRNA or~~ protein is indicative of relapse of a cancer in said subject.

20. – 54. **(Canceled).**

55. **(Original)** A method for determining a predisposition for disease, or a disease state, said method comprising detecting a protein complex comprising:

- (i) an EDD protein; and
- (ii) a protein selected from the group consisting of a protein having tumor suppressor activity, a protein having cell cycle modulatory activity, a protein associated with DNA repair or damage, a nuclear targeting protein, a progesterone receptor protein and a protein associated with vascularization,

wherein an elevated level of said protein complex is indicative of a predisposition for disease, or a disease state in said subject.

56. – 74. **(Canceled).**

75. **(Original)** A method for determining the ability of a cell to phosphorylate CHK2 in response to a DNA damaging agent comprising determining the level of expression of EDD in said cell, wherein reduced or suppressed EDD expression indicates that the cell has reduced ability to phosphorylate CHK2 in response to a DNA damaging agent.